

Civil Writ Petition No. 13951 of 2007

“ The management is directed to reinstate the applicant in alternative job within one month from the date of publication of this award and the applicant will not be entitled to any continuity of service and back wages. ”

The Award was published on 20.11.2002 and the workman approached the management on 28.2.2003 for giving him alternative job. However, the workman was given alternative job in January, 2004. The workman applied under Section 33-C of the Act for computing monetary benefits for being illegally deprived of alternative job. The said application has been accepted.

Learned counsel for the petitioner submits that after identifying a suitable post, the workman was given alternative job and there was justification for delay of one year or in giving alternative job to the workman in January, 2004. The issue required a fresh reference. The Labour Court, under Section 33-C of the Act could not go into disputed question which required adjudication. Reliance has been placed on a judgment of Andhra Pradesh High Court in **Depot Manager, APSRTC, Nirmal Depot, Adilabad District v. Mirza Basheer Baig and another**, 2006 (3) S.L.R. 476.

We do not find any merit in the contention raised by the learned counsel for the petitioner. The Labour Court has not adjudicated upon any disputed question but has merely gone by admitted facts while deciding the pre-existing rights of the workman under the Award. The judgment relied upon is distinguishable.

No ground is made out for interference under Article 226 of the Constitution of India.

Dismissed.

(Adarsh Kumar Goel)
Judge

(Ajai Lamba)
Judge

September 14, 2007
RS